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Dated: May 24, 2005

Signature:

*Denise Kacinski*  
(Denise Kacinski)

Docket No.: 60393(42568)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Albert R. Heilmann et al.

Application No.: 10/773,623

Confirmation No.: 8353

Filed: February 6, 2004

Art Unit: N/A

For: IN-WELL AERATION DEVICE

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT (IDS)**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

A copy of each reference on the PTO/SB/08 is attached.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 60393(42568). A duplicate copy of this paper is enclosed.

Dated: May 24, 2005

Respectfully submitted,

By 

Richard H. Newman

Registration No.: 41,222

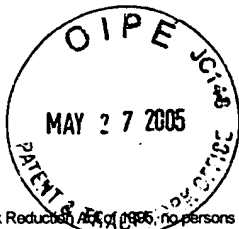
EDWARDS & ANGELL, LLP

P.O. Box 55874

Boston, MA 02205

(203) 975-7505

Attorneys/Agents For Applicant



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PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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|   |   |    |   |                          |                        |
|---|---|----|---|--------------------------|------------------------|
| <b>Substitute for form 1449A/B/PTO</b><br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |   |    |   | <b>Complete if Known</b> |                        |
|   |   |    |   | Application Number       | 10/773,623-Conf. #8353 |
|   |   |    |   | Filing Date              | February 6, 2004       |
|   |   |    |   | First Named Inventor     | Albert R. Heilmann     |
|   |   |    |   | Art Unit                 | N/A                    |
|   |   |    |   | Examiner Name            | Not Yet Assigned       |
|   |   |    |   | Attorney Docket Number   | 60393(42568)           |
| Sheet   | 1 | of | 1 |                          |                        |

| U.S. PATENT DOCUMENTS |                          |  |                                |  |   |
|-----------------------|--------------------------|--|--------------------------------|--|---|
| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       |                          | Number-Kind Code <sup>2</sup> (if known) |                                |  |   |
|                       | AA                       | US-5,582,777                             | 12/10/1996                     | Vento  |   |
|                       | AB                       | US-5,620,593                             | 04/15/1997                     | Stagner  |   |
|                       | AC                       | US-6,312,605                             | 11/06/2001                     | Kerfoot  |   |

| FOREIGN PATENT DOCUMENTS |                          |   |                                   |  |   |                |
|--------------------------|--------------------------|---|-----------------------------------|--|---|----------------|
| Examiner<br>Initials*    | Cite<br>No. <sup>1</sup> | Foreign Patent Document   | Publication<br>Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear | T <sup>6</sup> |
|                          |                          | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) |                                   |  |   |                |
|                          | BA                       | 822,671   | 10/28/1959                        | Sulzer Freres, Societe<br>Anonyme                  |   |                |
|                          | BB                       | 0 144 659   | 10/19/1984                        | Blum   |   |                |
|                          | BC                       | DE 3644120  | 07/07/1988                        | Beham  |   |                |
|                          | BD                       | DE 198 45 545   | 08/12/1999                        | Koch   |   |                |
|                          | BE                       | EP 1 116 695  | 07/18/2001                        | Cheng  |   |                |

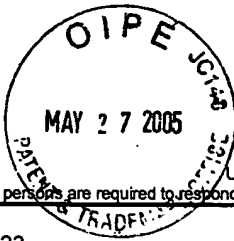
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| NON PATENT LITERATURE DOCUMENTS |                          |  |                |
|---------------------------------|--------------------------|--|----------------|
| Examiner<br>Initials*           | Cite<br>No. <sup>1</sup> | Include name of the author ( in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|                                 |                          |  |                |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|



PTO/SB/92 (09-04)

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Application No. (if known): 10/773,623

Attorney Docket No.: 60393(42568)

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IDS (Citation) by Applicant (8 References) (1 page)  
Information Disclosure Statement